

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10492 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PANDYA VELJI SHAMJI

Versus

DISTRICT PANCHAYAT

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Appearance:

MR MB PARIKH for Petitioner  
SERVED BY DS for Respondent No. 1 & 2  
MR HS MUNSHAW for Respondent No. 3  
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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 27/01/97

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.H.S.Munshaw,  
learned Counsel for Respondent No.3.

2. On behalf of the respondent it is not contested that the petitioner's percentage of mark is 71.78 and further that the last candidate who has been called for interview also has 71.78 % of the marks. However, the learned Counsel for the petitioner Mr.M.B.Parikh has pointed out that he has not been given the credit of 2 % of the marks for W.C.G.M. (Sewing) and this his merit has not been considered at the due percentage in his favour. Mr.Munshaw submits that even on account of 71.78 % marks

the respondents are ready to consider his candidature, but the respondents are further ready to consider the question of giving 2 % marks to the petitioner on account of W.C.G.M. (Sewing), the credit of which earlier could not be given, about which the petitioner is making grievance. Mr.Munshaw further submitted that even now if the petitioner furnishes his entitlement for these two marks on account of W.C.G.M. (Sewing) the same may be given to him. The learned Counsel for the petitioner submits that the respondent had been duly appraised of this Sewing qualification in his favour way back on 29.8.1996.

3. Be that as it may, the petitioner may produce xerox copy of the Certificate of W.C.G.M. (Sewing) before the concerned Authorities and get it compared with the original within a period of 10 days from today and in that case the petitioner's candidature for appointment as primary teacher shall be considered at such higher percentage as the petitioner is found to be entitled after including 2 % marks of W.C.G.M. (Sewing) and within another 10 days appropriate orders in accordance with law as per the petitioner's merit position will be issued in his favour without causing any prejudice to him on account of the rectification to his merit as a result of this Special Civil Application.

This Special Civil Application is accordingly allowed. Rule is made absolute. No order as to costs.

Direct Service permitted.